

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LYNN OXENBERG and RONALD
LEWIS

Plaintiffs,

v.

NORRIS COCHRAN,* *in his official
capacity as the Acting Secretary of the
Department of Health and Human
Services,*

Defendant.

CIVIL ACTION NO. 20-738

ORDER

AND NOW, this 8th day of February 2021, upon consideration of Defendant's Rule 12(b)(1) Motion to Dismiss, and responses and replies thereto, and for the reasons explained in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion to Dismiss [Doc. No. 32] is **GRANTED**. Plaintiff's Complaint is **DISMISSED without prejudice**. It is further **ORDERED** that Plaintiffs' Motion for Summary Judgment [Doc. No. 12], Defendant's Motion for Summary Judgment [Doc. No. 17], and Plaintiffs' Motion for Leave to File Supplement to Motion for Summary Judgment [Doc. No. 30] are **DISMISSED** as moot. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.

* Under Fed. R. Civ. P. 25(d), Norris Cochran is substituted as Defendant for former Secretary of the Department of Health and Human Services Alex Azar.